

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
-v.-
:
GARY HIRST,
:
Defendant.
:
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DOC #:
DATE FILED: 8/3/17

**PRELIMINARY ORDER OF
FORFEITURE/MONEY JUDGMENT**

SI 15 Cr. 643 (PKC)

WHEREAS, on August 10, 2016, GARY HIRST (the "Defendant"), and others, was charged in an eight-count Superseding Indictment, SI 15 Cr. 643 (PKC) (the "Superseding Indictment"), with conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2 (Count Two); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Three); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Four);

WHEREAS, the Superseding Indictment included a forfeiture allegation as to Counts One through Seven of the Superseding Indictment seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, the forfeiture of any property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Seven of the Superseding Indictment;

WHEREAS, on September 28, 2016, the Defendant was found guilty, following a jury trial, of Counts One through Four of the Superseding Indictment; and

WHEREAS, on or about March 17, 2017, the Defendant was sentenced and ordered to forfeit \$19,038,650.53 in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Four of the Superseding Indictment;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One through Four of the Superseding Indictment, to which the Defendant was found guilty, a money judgment in the amount of \$19,038,650.53 in United States currency (the "Money Judgment") shall be entered against the Defendant. The Defendant shall be jointly and severally liable for the Money Judgment with co-defendants charged in the Superseding Indictment and in the underlying Indictment, 15 Cr. 643 (PKC).

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, GARY HIRST, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

4. Upon execution of this Preliminary Order of Forfeiture/Money Judgment and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall

be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Sarah K. Eddy, Chief of the Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York

8-3, 2017

SO ORDERED:



HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE